

000

**FAMILY/ PROPERTY AND MATERNAL RIGHTS
(FAMILIENBESITZ UND MUTTERRECHT)**

By C. Becker

**Zeitschrift für Buddhismus und verwandte Gebiete
/Journal for Buddhism and Related Fields/
Vol. VI (1924), pp. 127-138, 300-310**

Translated from the German by Elizabeth Knight

Human Relations Area Files
New Haven, 1956

[Title Page]

Editor's Note:

114 The author of this paper apparently uses several words to denote the same social group: Familie, Stamm, Sippe, Clan Stammesfamilie, Familienstamm, Familiensippe.

Stamm is translated as tribe when it refers to the Khasi as a whole, otherwise it is translated clan especially in the compounds Stammesgott, Stammgut, Stammeshütte, Stammesmutter. Sippe is also translated as clan; Stammesfamilie as clan-family; Familiensippe and Familienstamm as family-clan. The German word is occasionally kept in brackets.

Family Property and Maternal Rights

/127/ by C. Becker S.D.S., Wurzburg

114 The fall of 1910 and the entire following year found the distinguished head of the Ethnographic Museum in Munich, to whom this anniversary volume is dedicated, on a research and collection trip in the extensive and inexhaustible territories of India. He was accompanied by his active wife, who served as his scientific assistant. From Burma, a mine of rich, ethnographic treasure and where the greatest part of their Indian stay was spent, their journey led the research couple into Assam, situated in the northeast of India, a country of equal significance. Assam certainly belongs politically to anterior India, but forms a bridge to interior India both ethnographically and linguistically.

101 Among the mountain peoples who inhabit the chain of hills which traverses the length of present-day Assam, and which separates the two largest parts of the country from each other, the Brahmaputra Valley in the north and the Surma Plain in the south, is one of the most interesting and doubtless the most advanced of the tribes, the Khasi, who inhabit the so-called Khasi and Jaintia Mountains. It [631] was in Shillong, the center of this area, which is now the capital of the country Assam under the English government, where towards the end of September, 1911, I first became acquainted with Professor D. L. Scherman and his wife and where a friendship of many years 133 had its beginning. Therefore this little study will lead us to the Khasi Mountains, to its slopes overgrown with its peculiar pine trees, which receive greetings across the plains from the snow-crowned peaks of the Himalayas, which are flooded by the mighty waves of the Brahmaputra River and the alternating inundations of the Surma River. Here a contented and cheerful little people live who have maintained their own special characteristics in spite of the many European influences and those of neighboring cultures.

162 /128/ Of the entire population of 243,263 people, who form the inhabitants of the Khasi and Jaintai Mountains (1), 203,855 are Khasi.

1. The following statistical estimates are taken from the Census of India 1921, Vol. III, Assam, (Shillong, 1923) pp. I and II.

162
797 Of those, 37,852 have adopted Christianity, while the others are still adherents of ancient animistic cults, with the exception of somewhat

more than a thousand of them who have been converted to the Hindu religion. 162
(797)

This group of people possesses the possibility of expansion, since they have at their disposal within the area of the Khasi and Jaintia Mountains a territory of 6,022 English square miles, with only 40 persons per square mile. Although wide areas are not built up and the system of shifting fields prevents the full utilization of the land, it is still true that with this small population figure by far the largest part of the whole population (200,781) is dependent on agriculture; trade and manufacturing only play a subordinate part. [311]

With regard to the division of the sexes, the two large religions of Assam, Hinduism and Mohammedanism, show the same proportion as in the rest of India, a lesser number of women than men. But among the Khasi the women are more numerous than the men. In the Brahmaputra valley with its greater Hindu population there are only 892 women for every 1,000 men; in the Surma valley, with a greater Moslem element, there are 937. But the situation is reversed among the Khasi, where there is a surplus of 74 women for every thousand men. The position of the women is basically different among this people. It is based on the customs and usages of maternal rights that prevail among them, which are predominantly based on possession and which find honorable expression in possession. 562
162

1. Property Rights in the Family Property.

The great principle which governs property among the Khasi, is that all family property rests in the hands of the women. 421
 Girls and Women with their Carrying Baskets. Fig. 2. An Old Clan Mother in the Village Laitumkhra. / 128: B/ /Fig. 3. At the Oracle of Egg Throwing/. Fig. 5. Khasi Girls and Men in Festive Dance Clothing. / 128: C/ /Fig. 4. A Group of Synteng/ 128: D/ Fig. 6. A Holy Grove and Part of the Village Raliang/ 129/ of the women and not of the man. The man can never be the owner of family property, and it can never be transferred to him. He may perhaps acquire some property through his own industry and work, but even that will pass into feminine hands by the path of inheritance. The concept of family is not as narrowly drawn here as in our country. This is a question of the clan-family, the clan. The head of it is always the youngest daughter, who, even when she has become old, bears the honorable name ka barit in the Jaintia Mountains, and in the Khasi Mountains ka khadduh, the last, the youngest. Around her gather her nearest blood relatives, brothers and sisters, and children. For example let 613
596
613
596

/123-A/

462



Fig. 1. Khasi Girls and Women with their Carrying Baskets.

600



Fig. 2. An Old Chin Mother in the Village Latumkha.

/128-B/

787



Fig. 3. At the Oracle of Egg Throwing.

292
535

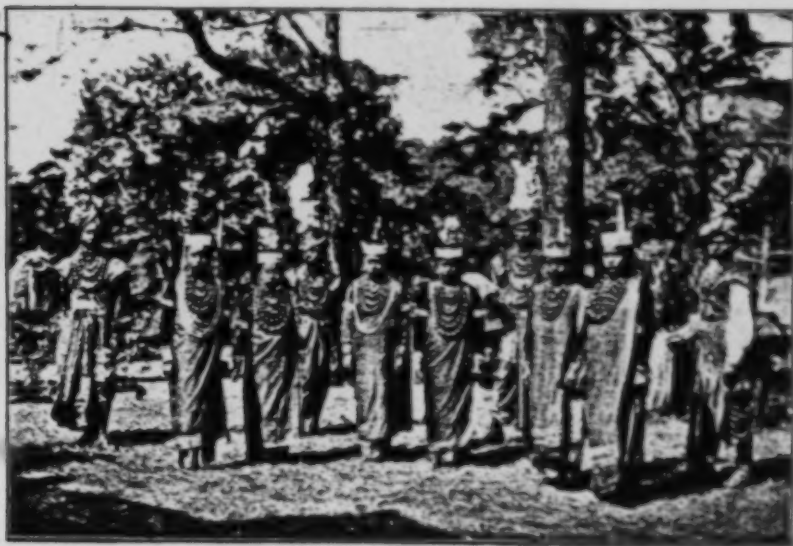


Fig. 5. Khasi Girls and Men in Festive Dance Clothing.

600

1158 C/



Fig. 4.

A Group of Synteng.

/123-D/

342
779



Fig. 6. A Holy Grove and Part of the Village Raliang.

613 us take such a clan mother with the name Ka Sing Lau. She has two
 596 sons and five daughters, and in addition two brothers and two sisters
 who are all married. Also each of the five daughters and two sisters
 has four children. These forty-six people live with the clan mother
 and form the family clan of the Lau. To these we also add the sons
 [592] and brothers, the nephews and grandsons, but not their children. The
 latter have nothing to do with the family Lau but belong to the family
 clan of their wives, live with that clan and are counted in it. Like-
 wise neither the husband of Ka Sing Lau, nor the husbands of the vari-
 ous daughters, sisters, nieces, and granddaughters belong here. They
 are all counted with their own clans, live and work with them accord-
 ing to Khasi custom, and only visit their wives occasionally perhaps
 after dark.

621 The entire clan-family of Lau is housed in 5 or 6 huts, which all
 351 stand next to each other in a semicircle or are built one above the
 other on the slope of a hill, according to the character of the land. A
 [241] garden frequently surrounds them in which maize, sweet potatoes,
 potato-like roots of Soh-ot and Schrut, bananas and, on the southern
 slopes of the Khasi Mountains, also coffee, pineapples, and other
 fruits are cultivated. A circle of bamboo cane that is so important for
 building purposes, household objects, and /130/ implements surrounds
 the garden and huts. This bamboo cane grows up as thick as an arm
 to a height of 10 or 15 meters and at the same time forms a good pro-
 tection against bad weather. A wall (morscha) of thrown-up earth en-
 closes everything, forming an enclosed farm, prevents unimpeded
 access, and protects cattle and crops from the attacks and devastations
 of wild animals.

423 What is considered the family property of such a clan? Primarily
 it is the land, the gardens, the rice fields, woods, fallow mountain
 and grazing lands. On the southern slopes of the Khasi Mountains there
 [241] are fields for the cultivation of rape, orange groves, laurel groves,
 plantations of betel palms and of pepper leaves which far and wide are
 so highly treasured for betel chewing as a source of pleasure. (2)

2. Cf. Becker, Im Stromtal des Brahmaputra, /In the River Valley
 of the Brahmaputra/ (Munich, 1923). pp. 357 ff.

[311] Usually there is so much land available that the family-clan can
 nourish itself properly and also increase in number

423 According to its size and wealth a family clan also owns a
 231 corresponding number of cows, oxen, hens, pigs, and goats. Neither
 the milk nor the flesh of the cows is used. They are kept for the

423 manure, and primarily for breeding, since the oxen cannot be dis-
 291 pensed with for the cultivation of the fields, especially of the rice
 fields, where the soaked earth must be trampled to a slimy mush.
 From the fowl the eggs are particularly prized, since they find an al-
 most daily use in the questioning of oracles in cases of misfortune
 and sickness. (3) Hens, pigs and goats serve for sacrificial purposes, (4)

3. P. R. T. Gurdon, *The Khasis*, (London 1907) pp. 221 ff. ;
 Becker, "Das Eierwerfen der Khasi," /Egg throwing Among
 the Khasi/, *Anthropos*, Vols. 12-13 (Vienna, 1917-18), pp.
 494 ff. ; P. F. Stegmüller, "Aus dem religiösen Leben der Khasi"
 /The Religious Life of the Khasi/ *Anthropos* Vol. 16-17 (1921-
 1922), pp. 418 ff.

4. Becker, "Die Nongrem-Puja in den Khasi-Bergen" /The
 Nongkrem Puja in the Khasi Mountains/, *Anthropos*, Vol. 4,
 (Vienna, 1909) No. 5-6, pp. 898 ff. ; Stegmüller, loc cit.

and they are also a welcome addition to rice at all festive occasions
 such as arrow shooting, (5) at the name giving, /131/ at weddings,

5. Becker, *Im Stromtal etc.*, /In the Valley, etc. /,
 pp. 298 and 387.

and at the cremation of the dead.

421 Further the various huts belong to the family property, the erec-
 613 tion and maintenance of which is the work of the members of the clan,
 the brothers, nephews, and grandsons. The hut of the clan mother is
 likewise considered the center of the whole family, and its posses-
 sion forms the outer sign of the dominance of the clan mother. Here
 she holds the family sacrifices and also keeps the special treasures.
 These are considered to be those things which are connected with the
 religious cult. Special reverence and sacrifice is due the oldest clan
 mother, as the original founder of the clan, and her brother in each
 clan family; in addition there are a series of other spirits which vary ac-
 cording to the family clan. The branch of the Khasi people who live
 in the Jaintia Mountains, the so-called Synteng, have probably pre-
 776 served the old Khasi customs the most faithfully. There in the hut of the
 778 clan mother are found the following utensils for the service of the
 divinities, who are nearly always feminine: mats, little baskets for
 rice, gourd bottles, a little basket made of bamboo cane and decorated
 with feathers, as well as antlers of deer or antelopes. The latter
 are fastened to the wall: they are supposed to be the seat of the

776 divinities of the forest and of the chase. The little basket is at-
 778 tached to a post in the hut; the special divinities of the clan-
 family are supposed to have their dwelling there; two hazelnut
 twigs fastened underneath symbolize their power. The gourd bot-
 tles are used as containers for the sacrificial drink of rice liquor. (6)

6. Cf. Die Nongkrem-Puja, /The Nongkrem Puja/, loc cit.

422 As treasures, which are handed down from generation to generation,
 [30a] are considered the rich ornaments of gold and silver, the heavy
 chains of coral, and the silk scarves, which are worn by the women
 at dancing ceremonies.

Also those things which the family huts contain in the way of
 furnishings and utensils, such as baskets, mats, lances, shields, ar-
 rows and bows, and brass pots for cooking and for water, earthen
 containers and brass plates are considered common property of the
 family.

421 /132/ The clan mother at the time has the entire property in
 425 her hands; she is the legal and sole guardian and manager of the prop-
 688 erty. Nothing can be lent even without her permission. No part of
 either the movable or immovable family possessions may be sold
 without her agreement. For the execution of the proper legal deed,
 as she is often ignorant of writing, she must place her fingerprint.
 Nothing may ever be given away: that would be an insult to the clan
 divinity since that would not mean treasuring and honoring their
 property but giving it away as being of no value. As a punishment
 for that the clan /stamm/ would also lose its other possessions and
 then live in poverty and disgrace. The individual members of the
 clan could sometimes be recruited for work for other clan-families
 as a kind of slave (mrau). But they may not be taken up in their
 society as they do not belong to that clan and the clan gods of that
 family would not permit it. Therefore if, for example, a clan-
 family has rice fields which they do not cultivate and would gladly give
 to poorer relatives, they must at least receive the smallest rent as a
 charge for it. This consists annually of a gourd bottle of rice liquor,
 which has the value of about 70 pfennigs to honor the household
 divinities.

Before the clan mother gives her permission for the sale of com-
 mon property, she listens to the advice of the other members of the
 clan. Actually according to the old tribal custom things should be
 as little sold as given away. It is said that in ages past the original
 ancestors, whom the individual clans reverence as divinities, appor-
 421 tioned out this their needs of field and wood, and these are supposed
 425 to form their unsalable clan property (nongrim). To let it get out of
 one's possession would therefore be insulting the gods. However, that

could not prevent individuals from becoming needy through misfortune or laziness and their trying to rent a part of their property for an annual payment or for a sum needed once. This is called ban die pan, literally: begging to buy. The sense of relinquishing by lending /133/ is contained in this. For example, a field is worth 300 reichsmarks. Fifty or 100 reichsmarks are accepted for it and the creditor remains the owner of the field until the money is repaid. This type of purchase occurs frequently. There are frequently traders (nongkhaii) who try to use such purchases to their own advantage. They turn over the field to the debtor for further cultivation in return for payment in produce of 50 to 70 per cent of the harvest. After several years the whole field is their property. Aside from this method, it also happens that instead of being able to repay the money the people need still further sums. In that case then the entire price of 300 reichsmarks is paid and the actual purchase is considered completed; that is called ban die lut; literally: totally, completely sold. A family-clan which gradually loses its property in this manner descends into poverty and need. There is nothing else for it to do than to look for work elsewhere, to rent land or to sell the children as a kind of slaves to better situated people. If 40 reichsmarks are paid for a child of about 10 years, he remains in the bondage of the buyer until the money can be repaid. That happens only rarely. Besides food and the most necessary clothing only one rupee is deducted annually as wage from the purchase price; thus, practically, the child belongs to the buyer for the duration of his life. [567]

It is the duty of individual members of a family clan to work together so that the clan property will be maintained and will produce the necessary amount for the maintenance of all. The clan mother must oversee primarily that the appropriate customs and usages are preserved. She is held in high esteem by all. To do something against her wish to offend her, to call her insulting names, or to go so far as to strike her is considered sang (taboo), a severe crime that causes misfortune. It is a great sin (pop) and a thoroughly great disgrace (sngewsih eh tam) for the whole clan. (7) As long as a member

7. Also considered similar crimes are selling clan property in secret, incest, desecrating burial places in a coarse manner, making use of holy grounds or woods.

/134/ of the family has committed such a crime and has not begged pardon from the clan mother and the elders of the clan, perhaps with the words: pardon me, I have committed an error (to map ia nga leh

613 bakla); and as long as the expiatory sacrifice, in the form of pigs and
 698 goats, determined by the elders of the family and by the sacrificial
 682 priest (lyngdoh) has not been offered, the sinning member is considered
 excluded from the family and the family sacrifices. But even after
 being accepted again a certain stain still clings to him.

613 But it is also the duty of the clan mother to care for the needs of
 the members of her family clan with regard to food, clothing, and the
 like. She divides the fruits of the harvests according to the needs of
 the individual. She goes or sends to market to trade, to buy, or to
 sell. She takes care of the common purse and even the masculine
 members of the clan have to ask her for money when they wish to
 drink rice liquor or buy clothing. There the clan mother is generous
 [662] rather than niggardly. This dependent relationship of the men is not
 considered unworthy at all or shameful. It is the matriarchal form
 and ancient custom. Nevertheless, the position of the men in the
 family clan is an esteemed one. Even the name they are called by
 has an important sound: Rangbah, Basan (oldest ones, advisers). On
 them falls often the work in the field and wood or the protection of
 the family; bow and arrow are handed to them as cradle gifts. In the
 more important family matters the clan mother consults with them. At
 the giving of the name, during a wedding, a funeral, or cremation the
 clan mother steps almost completely into the background, also during
 quarrels and court hearings before the chief (Doloi) or king (S'iem).
 She is still always influential with her advice, but the actual appear-
 ance, activity and judgments is the business of the men. The smaller,
 [782] everyday sacrifices she performs in the clan hut; but she can also let
 these /135/ be performed by her sons. At larger sacrificial ceremonies
 which are offered by several family clans at the same time, by whole
 [793] villages or even by one of the Khasi states, only the men are active as
 sacrificial priests.

613 With regard to the husbands of the clan mother and of the feminine
 596 members, they are not considered members of the family clan of the
 women at all. They are only considered the begetters. They work and
 live in their own clan, participate in their sacrifices and burial places.
 The father has no further influence in the raising of the children, who
 belong entirely to the clan of the mother. But usually they have no
 obligation, unless the wife and children are impoverished. Even then
 their care comes in second place after that of members of their own
 [693] clan. Nevertheless the husband is honored and is addressed by "Mr."
 (kynrad) by his wife. She would consider it disgraceful to approach
 him impudently. Where the property of a clan has been dissolved or
 Christian customs introduced, the husband lives and works together with
 his wife and children.

his wife and children.

000

2. Holy Pieces of Land and Forest

A special kind of land property is still encountered in the Khasi and Jaintia Mountains. These are pieces of land and forests which are considered sang or kyntang, forbidden or holy, thus kyndeu sang, khlaui kyntang, forbidden fields, holy forests. They are also named in connection with the name god, for example, khlaui Blei, forest of the gods, which, to a certain extent, might offer the key to their purpose and meaning. The hands of man are not supposed to disturb this kind of property; this property is sacred to the gods and at the most may be used in their service. 423
778

It is not easy to trace the origin and beginnings of these reserves. But several solutions may be found in regard to sections of land. When the /136/ Catholic mission station was founded in the village of Schella which is located on a steep mountain slope, it was hard to find a place that was halfway suitable and big enough to build even a small dwelling on it. Finally the missionary discovered such a place somewhat outside the village. But then there was a new difficulty. The place was the cremation area for the dead and therefore was sang /taboo/. The spirits of the dead would punish every intruder severely. The people were finally persuaded to burn their dead somewhere else, but it was more difficult to find any who were ready to help with the work of the building. Even those whom the missionary finally persuaded to help still suffered heavily from the fear of the punishment of the gods and continuously one or the other of them had imaginary illnesses. [777]
[764]
[789]

In the cases of more extensive pieces of land, the snake worshippers (thlen), who carry on their dreadful activities in the Khasi Mountains, (8) may offer an explanation sometimes. If such a person is 423
784
[776]
[782]

8. Im Stromtal des Brahmaputra, /In the River Valley of the Brahmaputra/, pp. 76ff.

convicted of murder, which he has committed in the service of the snake god in order to sacrifice the blood of the slain person to him, and if he wishes to free himself from the conviction, he can do nothing other than sell all his movable and immovable property. The latter thus becomes sang. Nobody would dare to take over the fields and gardens, to plant anything there, or to touch any fruit on that property. Thus in Cherrapunji a native Catholic was able to take

423 possession of a couple of orange gardens which a thlen worshipper
784 had abandoned, as the former did not believe in ghosts. (9)

9. Ibid., p. 82.

423 In the case of all these pieces of ground which are considered
784 sang, the fear of the severe punishment of the gods prevents each
797 owner from building. If another builds, he does not stop him, because he leaves him to the revenge of the insulted god. As may be seen from the case mentioned, the /137/ heathen are at a disadvantage in respect to their compatriots who have turned to Christianity. The latter no longer feel tied to the heathen laws, at least as far as religion is involved and no longer share their fears in many things. Impoverished Khasi Christians thus find an opportunity to acquire land in cases when it would not be possible for a Khasi who is still held captive by animistic beliefs.

But among the latter there are also disgraceful exceptions. In Nongbah, a larger village of the Jaintia Mountains with perhaps 400 huts -- therefore the name, which means large village -- several years ago a heathen observed with a jealous eye how so many pieces of the fallow fields of the gods were changed into fertile lands under the hands of the Christians. The wish grew in him to do likewise. Although he no longer had much fear of his gods, he still had to reckon with the anger and revenge of the members of his clan, if he as a heathen dared to take such a step. They were not likely to dare to do anything against Christians. Without further ado he became converted to the Methodist religion and appeared before the English government official in Jowai, the capital of the Jaintia Mountains, for the transfer of a suitable piece of land. After the revolt of the Synteng in the year 1862, the English government pronounced the whole territory of the Jaintia Mountains to be government land. They also claim the right of bestowal of all free-lying land, usually by a lease of many years. Since the government receives rent for the land, it is in its interest when applicants appear. In this case the deed of conveyance was issued and over the years a flourishing rice field was made from the land that had been useless up to now. Now that the renter was sure of his affairs, he turned his back on the Methodists in order to become a heathen again and to participate in the heathen sacrifices. But then he got into trouble. The heathen were incensed at such a game and brought serious charges before the English government official. He ruled that in the future no piece of ground of that type /138/ should be leased except upon

presentation of the written statement of the chieftain and the village elders that they would have no objection to it. The avaricious renter of the divine land mentioned above was despised by all.

423
784
797

As concerns the holy forests, which often extend picturesquely from the highest peak down the slope and are overgrown with gnarled oaks and bright colored rhododendron, no tree may be felled there; at the most, fallen wood or wood torn down by a storm or already rotten wood may be taken. The spirits of the forest, as punishing gods, will revenge every offense. Tigers and leopards, apes, bears, and snakes enjoy an undisturbed existence here. The only case in which wood may be cut in these divine woods is for the religious cremation ceremonies of the dead. It is the custom of the Khasi to set fire often to great areas in order to fertilize the ground with the ashes of grasses, trees, and shrubs without regard for the new growth of trees, and to make potato fields there for a year or two or to grow mountain rice, millet, or something similar and then to leave the field fallow again. Thus this is a clever precautionary rule, since there might otherwise be cases when there might be no wood for cremating the dead.

778
776[764]
[241]

(Continuation follows)

/300/ Family Property and Maternal Rights
by C. Becker S.D.S., Würzburg

Gurdon says, (10) that these holy groves were formerly the property

779
423
613
777

10. The Khasis, p. 87.

of a village. That is not always so as the following case will demonstrate. I am also relating this because it grants us a deeper look into the whole customs of the clan under discussion.

Several decades ago, a Khasi who had become a Protestant, U Jacob Shai by name, was installed as a clerk with the English government official in Jowai. In order to assure his family a better living than just his meager salary, he yearned for land. By birth from Jongushen in the War territory, he remembered that he could obtain his aim in the neighboring village Syndai from the family clan Umliang. So one day he went thither. After the customary greetings, and refreshment with a water pipe and betel nut and conversation about various indifferent matters, he mentioned his desire. "I know," he said in the polite language of even these simple natural men, "I know the goodness and the good name of your clan /Stamm/ and the elders

778 of your clan; you are glad to come to the help of others everywhere
 423 and thereby have prepared honor and fame for your whole clan /Sippe/
 613 for your clan gods and goddesses, and for your ancestors of both sexes.
 797 You are blessed with grandchildren and great grandchildren. I re-
 joice in your good fortune and I wish that the gods and goddesses of
 your clan /Stamm/ will be favorably inclined for all times. There-
 fore I dare to come to you and to make a request of you; I have only
 one request: nga don tang kawel ka jingkyrpad! Namely, I need a
 piece of land, so that I can give my grandsons and granddaughters
 something to eat. My own field does not suffice for so many mouths.
 I have noticed that a piece of forest lies here /301/ unused. I have
 inquired to whom it belongs and the village elders said to me that it
 was the property of the famous family clan Umliang. I honor you,
 therefore, and beg you: can I receive this forest according to the
 law and custom of the clan?"

Questions from the clan mother and the family elders followed
 this speech. Finally it was clear to them what piece was meant.
 "That is the khiau sang, the forest of the gods," they cried. "Cer-
 tainly that belongs to our clan property, but as you yourself know, we
 can neither rent nor sell it. We cannot and do not even dare say,
 cultivate the land. But we also cannot prevent you from doing it or
 forbid you. That piece of land is presented to the gods; they will
 revenge themselves on anyone who removes it from their cult; they
 themselves will guard over it so that no one will seize it."

This answer satisfied U Shai completely. He had no fear of the
 punishment of the forest gods; he had just wanted to make certain
 whether the family clan would put difficulties in his way or would
 even bring complaints before the English government. The forest
 was soon arable. Fire transformed the wood and the bushes, the high
 grasses and the vines into ashes; oranges and lemons, pineapples,
 and bananas were planted and after a few years the land brought in.
 from the sale of the fruit a sum, considerable for those conditions, •
 of 800 to 1,000 reichsmarks a year.

The family clan Umliang was still faithful to their native faith.
 As the other heathen did, so they observed the undertaking of U Shai
 with fear and anxiety. They believed the gods must bestir them-
 selves and the forest would devour the miscreant with his family.
 That did not occur. It could not be avoided that in this way the
 belief in their gods and native customs received a jolt among the
 heathen and many of them went over to the viewpoint that they
 might also do it.

After a while a young Khasi with such advanced views married /302/ into the family clan Umliang. Meanwhile 40 years had passed. The old father U Shai was already dead. The piece of land planted by him, as it was not actually family property, according to the special customs of the War had passed on not only to the youngest daughter but also to his son Jacob U Shai and his sisters. On their side they had helped their father in the clearing of the forest. The siblings were Catholic. The young man mentioned above brought a legal complaint against the siblings before the English government official in Jowai a few years ago: the forest made arable by Jacon U Shai and transformed into a fruit orchard had been illegally acquired and is the property of the clan of his wife; he demanded a piece of the land back for the family Umliang and for the other piece a corresponding annual rent must be paid. 778 423 613 797

In reply the siblings Shai could claim that the affair was past the legal time limit. According to tribal custom the time limit on small matters was 10 years, for greater matters 30 years. In addition the main point on their side was that the piece of land in question was khlausang, forest of the gods, and the family Umliang could not ask anything for it. For this the Shai siblings lacked witnesses, whereas the Umliangs produced several heathen witnesses for the simple declaration of the right of possession. The case was long drawn out. It was finally decided against the Shai siblings and they were declared deprived of the property. The missionary P. Benedikt Neher now concerned himself with the affair. He brought more than 100 witnesses, all clan mothers or village elders, who were ready to swear that that piece of land was a forest of the gods as long as man could remember. The English judge, whom he informed of this, decided that this was a basis for proposing a revision and change of the judgment, but the Shai siblings had lost all their money in the previous trial to pettifogging lawyers and did not have the spirit to begin again. With oriental equanimity they accepted the loss and thus the affair remained.

/303/ The case is instructive anyway, insofar as it shows that the so-called holy forests are also found in the possession of individual family clans; how they are valued by them as long as they remain faithful to their animistic views and how they are able to make their right of possession to them valid even after years.

3. Customs Concerning the Right of Inheritance

When the clan mother dies, the youngest daughter always receives the inheritance among the Khasi. If for any reason the youngest daughter cannot take possession, her next youngest sister follows. If there are 426 613

428
613 no girls, only sons, the inheritance passes to the youngest daughter of the sister of the deceased clan mother. If there are no such sisters or if they have no daughters, the nearest, youngest female relative is next in line. If she has not lived in the family clan of the deceased up to now, she must first spend at least 3 months in the hut of the clan mother in order to be able to enter into her rights and duties. In such cases usually the successor to the office is taken into the hut previously by the clan mother and prepared for the later activity. It can happen that the successor is not even 13 years old and therefore is not of age and capable of marrying. In this case the mother or a sister of the deceased clan mother manages the rule and the household until the majority of the inheritress. But even as a child the latter has the honored name mother; she is called kmie or kmie san.

The great principle, which determines all conditions of inheritance, is that the sons and husbands are excluded from all family property, which is always passed on to the girls, the female world. But what if a fellow or a man creates or acquires property? The case is possible and also occurs.

428
556 /304/ As mentioned, each person must help with the work in his own family clan in order to have a claim on care from the common property. Between sowing the rice and the harvest and other possible common labors there are still many days and weeks. Instead of [464] spending these with archery, hunting or the popular shong kai, or loafing around, a young man can earn money by cutting wood for others and carrying loads for native traders or also for Europeans, since in the mountains nearly everything has to be carried on the back. He can also do work in the fields or gardens for pay for others outside his clan or carry on a small trade by buying wares at the market such as dried fish, betel nuts, pepper leaves and such, and carrying them a few days' journey away to the markets in the interior of the mountains where these items are not otherwise available and selling them there for a profit. What the man earns in this fashion is his property and is not counted as part of the clan property. An industrious man can thus gradually earn enough money to rent a rice field. Through sale of the surplus crop, he will finally have enough so that he is able to buy a rice field himself, which is also his property. If such a man dies unmarried, the inheritance passes to his mother. If he is married then he can, if he wishes, found a clan property for his family who may be poor and without property. 429 The property will then pass to the youngest daughter and be passed on then in the usual manner of inheritance. Thus everything finally

returns to the hands of the women.

428

The following example may explain the customs involved here and further sift them out even though it scarcely throws a pleasant light on the dissensions which have been introduced among the Khasi people as a result of the divisions of the various Christian religions which are striving for their conversion.

In the village Kyndongtupér, a man had gradually acquired some property for himself with 15 oxen and cows, /305/ a decent hut and furnishings and 3 beautiful rice fields, large enough to sustain a family clan. After his death the youngest daughter of his sister, named Ka Pliang Shai Syndūr, was considered the valid heiress. She was still under age and her mother was already dead. As a result a sister of this mother, named Ka Pliang Shai (11) took over the management

428
797
613

11. Pan and Syndur are Khasi names; Pliang Shai is the name of the family, clan; literal meaning: shining plate.

of the inheritance and lived with the little heiress in the clan hut. There was no doubt that the latter would receive the entire property after she reached her majority. After a while, a young Catholic, U Salomon Taruh, wooed for Syndūr's hand. Thereupon the older siblings, a brother and a sister, both of whom belonged to the Methodist Church, became enraged. In spite of all the hostility, the young girl stuck to her decision, married Taruh and became Catholic. The young married couple had to flee from the clan hut because of the anger of the siblings. The latter sought to have the sister disinherited, but the other relatives involved would have nothing to do with this. They were so carried away by their anger that they did what was considered a crime even in the eyes of the heathen: they drove the cattle away secretly and sold it; likewise they cleared out the clan hut and even sold two rice fields. On complaint to the competent court, Syndūr was finally granted her right; she could take over the clan hut and the family property which was meanwhile greatly diminished.

428
797
671
613

Although the Khasi who have been converted to Christianity do not need to be bound by the laws of succession in inheritance and although this is often recognized by the heathen Khasi, there is no hindrance put in their way by the Catholic Church to following their native tribal customs in this matter. The Catholic Khasi themselves do not wish to deviate from them: /306/ a dogged attachment to ancient customs and a respect for them are in their blood. Here are a few examples.

In Nongbah the Catholic clan mother ka Johanna Sunah, wife of U Andreas Tubru, died without leaving any female descendants. It would

428 have been understood if the only son U Johannes Sunah, according
 797 to the ruling custom of Christians elsewhere, had claimed the con-
 671 siderable inheritance of rice fields, forest, and huts. A serious ob-
 613 jection would not have been expected either from the officials or the
 relatives. Johannes was also spoken to about it in this fashion, but
 in vain. He could not conquer the inner revulsion of acting against
 ancient tribal customs for a temporal advantage. His simple answer
 was: "If I am a good Catholic, God will bless me in other ways with-
 out my going against our ancient customs." And so matters stood.
 The whole property went to the youngest daughter of the sister of the
 deceased; this branch of the family was still heathen. Through in-
 dustry and economy Johannes finally acquired his own household with
 a goodly piece of land.

The Catholic Khasi even get rid of possessions readily which
 they already possess if the tribal customs demand it. It happened
 unfortunately several years ago that both the wife of the chief teacher
 of the Catholic Khasi public school in Shillong, U Thomas Byllun,
 as well as the wife of the cook of the mission station there, U
 Sebastian Shiah, were both carried away by death within a short
 time. Both men had acquired very nice property by their industry.
 According to Khasi law they had no further claims on their children
 who were still quite small. They belonged to the clan of their de-
 ceased wives and had to be taken by them and raised. According to
 Khasi law, the property that they had acquired also passed to the
 youngest daughter. Willingly each of them handed over the children
 and the interim management of the property to the relatives of the
 deceased wives, took the few clothes and purely personal possessions
 /307/ with them and sought to begin again from the beginning in the
 rented half of a hut. To my question, whether that had been hard
 for them, they answered with quiet matter-of-factness: "But that is
 the custom among us Khasi."

It is not necessary to emphasize especially that such respect for
 the tribal customs has made only a favorable impression on the Khasi
 who are still heathen.

Gurdon relates (12) that the clan mother loses her position in the

12. The Khasis, p. 83.

family when she changes her religion, for example at her conversion
 to Christianity, and that the youngest daughter takes her place. The
 justification for this lies in the fact that she then no longer belongs
 to the religion and cannot offer the customary family sacrifices.

Because of her whole position as guardian of the inherited religion and customs, it is not frequent that such a woman breaks with the ancestor cult. If this does happen, it does not necessarily mean that she loses the entire property. That depends really on the position the other members of the family take. If they are all still firm heathens, who wish to have nothing to do with Christianity, they can force the clan mother to give everything up. The high respect for her is frequently so great, however, that either the whole clan or at least a part of it decides to take the same step and change religions with the clan mother. The part that remains heathen will certainly propose a division of the family property. This is also possible in other cases.

4. Division of the Family Property.

Although it is rare, the weal and woe of a family-clan can require that a family-clan be split into two clans /Clan/ and that a division of the common property be undertaken. The basis for this is if the family /Geschlecht/ becomes too big, if the elders in the family council /308/ are no longer united and hate and revenge threaten to destroy, if a part of the clan /Clan/ tries to seize the better fields by violence and refuses to deliver the harvest for the common need, if one branch has brought the whole clan /Sippe/ dishonor and shame by false oaths, incest, revenge, treachery or some other severe crime. Only the guilty party will be excluded from the clan /Clan/ in such cases, if he remains stubborn and impenitent. But if he begs for forgiveness with his lips and participates in the expiatory sacrifice, forgiveness will not be refused him. But a certain inner tension and bad feeling often remain behind.

At the conversion to another religion, it often depends on how the clan mother and also the family elders are inclined towards the religion in question, and also on who is changing religions. If it is only brothers, sons, nephews, or grandsons, of the clan mother, a division is out of the question, since the men are not capable of inheriting. But if it is the youngest or next youngest daughter or even the sister of the clan mother, then a division of property can be undertaken. A clan mother after all is so attached to her child or her nearest blood relatives that she would not like to push them entirely away from herself unless she were completely set against the religion in question and angered. If that should be so in individual cases, the heiress concerned will still consider, whether it is not more advisable to wait to change her religion until the clan mother has closed her eyes and she then has free play. Then that which was mentioned at the conclusion of the previous section can occur.

425 If after discussions lasting weeks all the problems involved have
 613 been settled, the agreements decided on are finally completed with
 the customary ceremonial. It was mentioned above, what objects
 [178] for the religious cult are to be found in the hut of the clan mother.
 The little basket plaited of bamboo cane, which is considered the
 special seat of the divine ancestors of the clan. /Clan/ is not divided.
 /309/ Another, similar basket is made. By sacrifice of goats and pigs,
 these divinities are then entreated so that a part of them may take up
 their dwelling in this basket for the protection of the newly constructed
 clan. If the sacrificial priest can announce the agreement of the de-
 ceased spirits with the division from the oracle of the entrails of the
 animals and by egg throwing, then this basket is brought to the new
 clan hut. On another day one of the two hazelnut poles is then taken
 for the new hut with further sacrifices. Each of the two separated
 parties must fetch a new pole to go with the other one. In a like way the
 existent sacrificial utensils, such as rice baskets, mats, and gourd bot-
 tles are divided. With this ceremony the agreements made about the
 division of the other property are considered legally existent. Each party
 now goes his own way independent of the other. Certain relationships of
 [582] friendship and kinship still remain in existence; however, the bar to
 marriage, which otherwise would make impossible the marriage between
 members of the same family clan without regard to the degree of re-
 lationship, is no longer in existence.

425 If, at the conversion of one part of the members of the clan to
 797 the Christian religion, the division of property can be accomplished
 796 legally, it is better to insist on it. The members who have become
 Christian are more readily protected from disadvantageous treatment.
 Even if they should take part of the fields for themselves in separate
 management, the part of the clan that remained heathen could de-
 mand this back years later. Enmity, hate, and revenge would
 then follow. Without the formal ceremony combined with the
 sacrifices mentioned a Khasi does not recognize a division as
 legal. Since Christians cannot participate in such a sacrificial
 ceremony, there is nothing to do other than to have this ceremony
 undertaken while those seeking to be baptized are still catechumens.
 Before they are accepted then into the church by baptism, the
 heathen cult objects that were brought into the clan hut must be re-
 moved. "To /310/ this most important ceremony, "the missionary
 of the Synteng territory, P. Benedikt Neher S. D. S., once related,
 "I usually went myself if it was possible for me to or sent a European
 sister of the Order. Thereby the ceremony acquired a great deal
 ([See category 116, pp 4, 5. — Analyst])

more solemnity and had a powerful effect on the heathen and the catechumens. The basket of the gods, the two sticks, the gourd bottles, and the other objects of the cult were carried to an open place in front of the hut, placed on a pile of bamboo canes and wood and then lighted by fire. The heathen stood at a respectful distance, fearful and trembling, and expecting that the gods would revenge themselves and destroy me with fire from heaven. But nothing of the kind happened, and disappointed and thoughtful they went back to their huts. The clan hut would then be blessed and sprinkled with holy water."

425
797
796

In general the Christian religions strive to settle their members in a village separated from the heathen clan members, and to settle them in such a way that the separate family clans remain together when possible. The Christian customs, that husband, wife, and children then live together in one family is carried out when possible but, however it is not always done without difficulties in view of the traditional customs.

797